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26 February 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Discussion of S. 782 with Senator Eastland (D., Miss.)

1. I called on Senator Eastland and told him that, as he knew, Senator Ervin has again introduced his bill on constitutional rights of Government employees (S. 782). The Senator immediately interjected and said he is completely for us and shares our concern with the bill. I said I was confident this was his attitude and my main purpose in seeing him was to explain what action we have taken and what we plan. I noted that we have again talked to Senator Ervin about the problems the bill creates for us but with no better results than in the last Congress. I said the Director plans to send a letter to Senator Ervin asking for a hearing in executive session before the Subcommittee but that on the basis of information which I have, it is my understanding that Senator Ervin plans to report the bill to the full Committee with no further hearings. Eastland said if that were the case, perhaps it would be better to wait until the bill comes to the full Committee and then ask for a hearing. I noted that I thought it doubtful that Senator Ervin would grant us a hearing in executive session in any event because of the position he took publicly in the last Congress. Eastland said if this is true, it would be better to send the letter to Ervin as Ervin's refusal to grant us a hearing in executive session would engender considerable resentment within his Subcommittee. Eastland also said that if we are refused a hearing by Ervin, we should privately so advise some of the members of the Subcommittee. He said he did not know to whom we should talk and speculated about Ted Kennedy. He did not know Kennedy's attitude but offered to feel him out for us, if we desired.

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I let this drop without going into it as I did not want to get into our present relationship with Senator Bayh. As a follow-up to our refusal by Ervin, if this should transpire, Eastland said we should then formally request a hearing from him.

2. As I was leaving, Eastland said if we would follow these suggestions, we could win this fight.

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Assistant Legislative Counsel

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